

III. REMARKS

Status of the Claims

Claims 4, 5, 11, 16-18, and 23 are amended. Claims 1-24 are presented for further consideration. Applicant is please to note that claims 10, 11, 22, and 23 are indicated to contain patentable subject matter.

Claims 4, 5, 11, 16-18, and 23 are amended in response to objections expressed in the office action. No new matter is presented. The amendments to the claims are not intended to be limiting, are not made for reasons related to patentability, and should not be interpreted to raise issues of estoppel.

Applicant has considered the Examiner's comments set forth in the Office Action mailed December 29, 2006 and responds in detail below. Reconsideration of the application is respectfully requested in view of the amendments and the following remarks.

The Office Action

Applicant submits that this amendment fully remedies the basis for the objections raised in the office action.

Claims 1-9, 12-21 and 24 stand rejected under 35USC103(a) based on the combined teaching of the reference Durrett and Official Notice. This rejection is traversed on the following grounds:

The combined teaching does not render claims 1-9, 12-21 and 24 obvious because it fails to teach or otherwise suggest each and every limitation of the claims. It is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, without

reference to the disclosure of this application. (MPEP Section 2142) ***In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria."**

In particular the combined teaching fails to disclose or suggest the following claimed features of independent claim 1:

"a plurality of mobile terminals, each mobile terminal being provided with means for acquiring personal content and adapted to be in wireless communication with a telecommunications system,

storage means in the mobile terminal, the storage means being adapted to store at least a first part of the personal content acquired,

at least one remote data repository connected to the telecommunications system for storing at least a second part of the personal content acquired by the plurality of mobile terminals, whereby at least one of the repositories is assigned for the use of each mobile terminal,"

Independent claim 13 has equivalent language.

The reference Durrett fails to teach or suggest the use of a mobile terminal as described in claim 1. It is doubtful that such a function was even contemplated at the time of Durrett. The functionality of a mobile terminal has only recently progressed to include memory and application storage sufficient to execute the above features, including accessing the Internet. The portal device of Durrett is a dumb terminal designed to access the internet through a modem (see column 4, line 66 - column 5, line 2). The capability of the portal device is described succinctly at column 2, lines 25-27, as follows:

"The base user portal device is essentially useless unless it is connected to a network having at least a virtual disk server."

The Examiner's reliance on "inherency" and official notice are not supported in cited reference. The Examiner's attention is also directed to column 6, lines 4-12 in particular the following:

"These programs would not be resident on local computer 10B but would be obtained when needed and would utilize the non-volatile memory of the access provider computer."

It is clear from the claims of this application that the personal data is stored in memory on the mobile terminal and that the terminal is fully capable of independent operation. It is equally clear that the portal device of Durrett is not intended to have this capability. There is nothing in Durrett that teaches that the fingerprint ID is stored anywhere in the portal device, but merely scanned and sent.

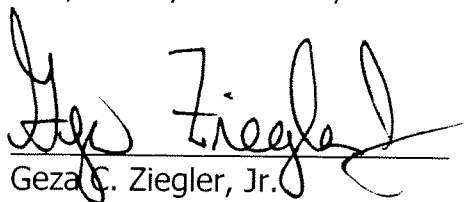
The Examiner resorts to inherency at every step in the analysis, while Durrett describes a portal device that is designed for minimal architecture and adjusts the remote system to provide all of the functions. In this analysis, the Examiner is burdening the portal device of Durrett with the precise elements that Durrett has so diligently sought to avoid. Durrett actually teaches away from the Examiner's position.

These grounds apply equally to the rejected dependent claims, all of which, by dependency, have the limitations described in the independent claims. None of the cited references remedy the deficiencies of the primary reference Durrett.

For all of the above reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for the three month extension of time (\$1020) as well as any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza C. Ziegler, Jr.

Reg. No. 44,004

28 June 2007
Date

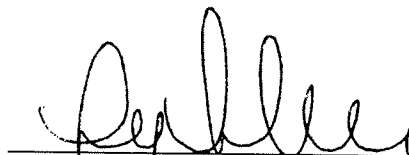
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Date: 28 June 2007

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Person Making Deposit